EXECUTIVE SUMMARY

1. Administrative Action

(Federal Highway Administration)

( ) Draft Environmental Impact Statement
(x) Final Environmental Impact Statement
(x) Section 4(f) Evaluation

2. Informational Contacts

Additional information concerning this action may be obtained by contacting:

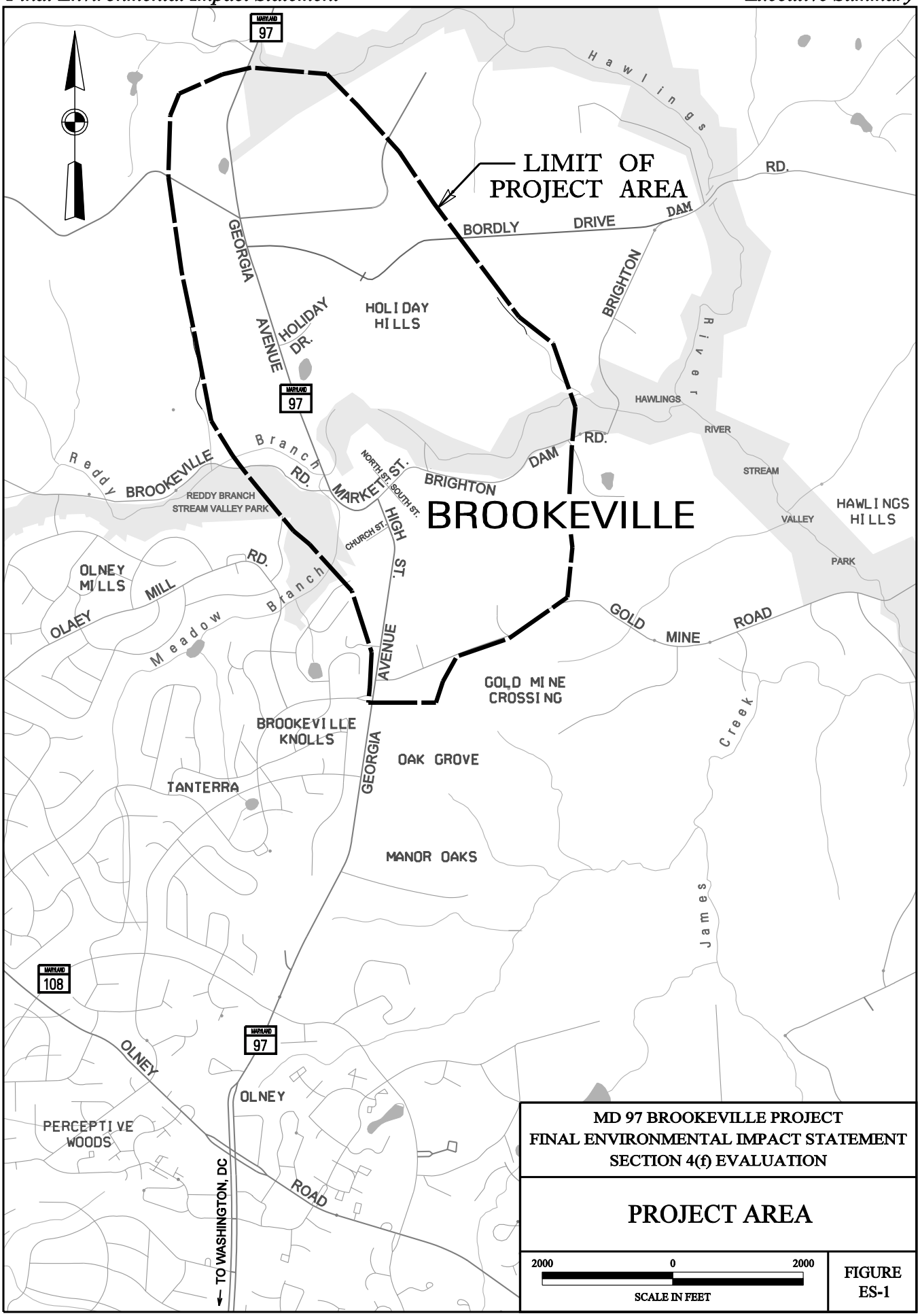
Ms. Denise W. King
Environmental Specialist
Federal Highway Administration
City Crescent Building
10 South Howard Street, Suite 2450
Baltimore, MD 21201
Phone: (410) 779-7145
Hours: 7:30 am - 4:30 pm

Ms. Cynthia Simpson,
Deputy Director
Office of Planning and Preliminary Engineering
Maryland State Highway Administration
707 North Calvert Street
Mailstop C-301
Baltimore, MD 21202
Phone: (410) 545-8500 or (800) 548-5026
Hours: 8:00 am - 4:30 pm

3. Description of Proposed Action

The Maryland State Highway Administration (SHA), in cooperation with the Federal Highway Administration (FHWA) has conducted environmental and engineering studies to evaluate various transportation alternatives to remove the increasing traffic volumes from the Town of Brookeville, in Montgomery County, in order to improve traffic operations and safety conditions on existing MD 97 (Georgia Avenue) and to preserve the historic character of the Town of Brookeville. In 1979, the entire town was listed on the National Register of Historic Places as a historic district. The study limits for this project have been defined along MD 97 from south of Gold Mine Road to north of Holiday Drive. **Figure ES-1** shows the project area.

The SHA Selected Alternate for transportation improvements is Alternate 7 Modified, which proposes a two-lane roadway on new location west of Brookeville and existing MD 97. Alternate 7 Modified is similar to Alternate 7, which was presented in the Draft Environmental Impact Statement (DEIS), except that Alternate 7 Modified is shifted approximately 30-40 feet in a westerly direction through the Reddy Branch Stream Valley Park to minimize impacts to the National Register eligible Newlin/Downs Mill Complex archeological site. This shift and proposed retaining wall design would also reduce Section 4(f) use of public parkland and the Brookeville Historic District located south of Brookeville Road. SHA's Selected Alternate would then continue in a northeasterly direction intersecting Brookeville Road west of existing MD 97 with a roundabout to serve as a traffic calming measure. The alternate would connect to existing MD 97 just north of the town limits. A portion of existing MD 97 in the Town of Brookeville would be closed to traffic and the existing MD 97 bridge over Reddy Branch would be removed when the new roadway is constructed and in operation. SHA's Selected Alternate has a design speed of 40 miles per hour and includes an open typical section, which consists of two 11-foot lanes and two ten foot shoulders (five feet paved for bicycle compatibility and five feet graded).


MARYLAND 97
LIMIT OF PROJECT AREA
BORDLY DRIVE
DAM
RD.
GEORGIA AVENUE
HOLIDAY DR.
HOLIDAY HILLS
BRIGHTON DAM RD.
HAWLINGS RIVER
HAWLINGS RIVER STREAM VALLEY PARK
REDDY BRANCH STREAM VALLEY PARK
BROOKEVILLE
NORTH ST.
SOUTH ST.
MARKET ST.
CHURCH ST.
HIGH ST.
BROOKEVILLE
OLNEY MILLS
MILL
OLAEY
MEADOW BRANCH
GOLD MINE ROAD
GOLD MINE CROSSING
BROOKEVILLE KNOLLS
TANTERRA
OAK GROVE
MANOR OAKS
MARYLAND 108
OLNEY
PERCEPTIVE WOODS
TO WASHINGTON, DC
JAMES CREEK
MD 97 BROOKEVILLE PROJECT
FINAL ENVIRONMENTAL IMPACT STATEMENT
SECTION 4(f) EVALUATION
PROJECT AREA
2000 0 2000
SCALE IN FEET
FIGURE ES-1

This Final Environmental Impact Statement (FEIS)/Section 4(f) Evaluation is a summary of the environmental analyses conducted for the MD 97 Brookeville Project. This FEIS was prepared to provide an overall view of the project area and potential impacts resulting from the various alternates that have been proposed as solutions to the existing problems experienced on MD 97. An Environmental Impact Statement (EIS) is required by the National Environmental Policy Act of 1969 (NEPA) when a major federal action may significantly affect the environment. The EIS is a decision-making tool developed to present the project need, design alternates, environmental impacts, and mitigation for public and agency review and comment.

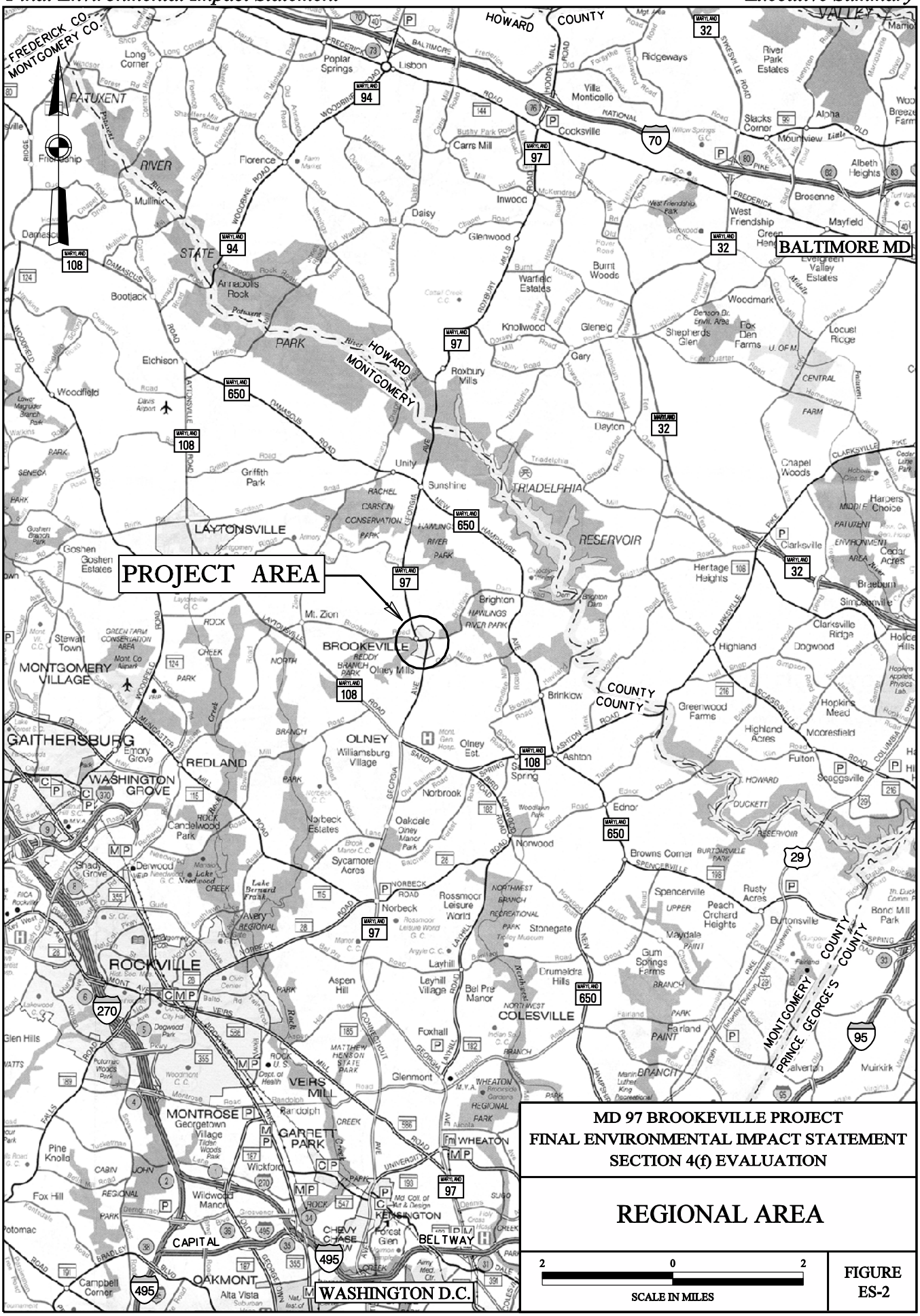
MD 97 functions as a major north-south commuter route between the employment areas in and around the Washington Metropolitan area, including Washington, D.C. and the residential communities such as Brookeville in northern Montgomery County, Howard, and Carroll Counties. **Figure ES-2** shows the regional area. In Brookeville, MD 97 has a 90-degree bend in its horizontal alignment, which is accompanied by a steep vertical grade. The increasing volumes of peak hour traffic combined with these substandard geometrics contribute to the need to improve the overall operational characteristics of MD 97 through this historically significant community.

4. Project History and Alternates Considered

During the initial studies for the project dating to the mid-1960's, and again in the mid 1990's when the MD 97 Brookeville Project was resumed, citizens and members of governmental resource agencies offered comments and suggestions that relocated alternates should be studied in addition to improvements to the existing roadway through town.

A total of 13 alternates were initially studied as part of a Feasibility Study performed in 1990. A formal Project Planning Study began in 1995, an Informational Public Workshop was held in June 1995, and in early 1996 agency concurrence was received on the project's Purpose and Need Statement. SHA developed preliminary alternates (six), based on input from the public as well as comments offered by resource agencies, and presented them to the public at an Alternates Public Workshop held in May 1996. Public comments were taken at the workshop and refinements were made to some alternates while other alternates were dropped from further consideration entirely. As a result of the May 1996 meeting, the No-Build Alternate and three Build Alternates were carried forward for detailed studies: Alternate 3 Option B, Alternate 4 Modified Option A, and Alternate 5C. In May 1997, environmental regulatory agency review concurred on the Alternates Retained for Detailed Study package, and detailed environmental and engineering studies were initiated for the project. The preparation of a Preliminary DEIS was also initiated to evaluate the potential impacts and benefits of these four alternates.

By early 1998, there were concerns about the project's consistency with Maryland's newly enacted Smart Growth and Neighborhood Conservation Initiatives. Prior to circulation of a DEIS, the MD 97 Brookeville Project was placed on hold. Following the Smart Growth Legislation and an agreement between the local elected officials, the Maryland Department of Transportation (MDOT), and the Governor's Office, the project was reinitiated in April 2000.



MD 97 BROOKEVILLE PROJECT
FINAL ENVIRONMENTAL IMPACT STATEMENT
SECTION 4(f) EVALUATION

REGIONAL AREA

2 0 2
SCALE IN MILES

FIGURE ES-2

Although the Town of Brookeville is located within a Priority Funding Area (PFA) where state funds may be spent on additional infrastructure that supports or encourages growth, the majority of the previously proposed bypass alignments were not. An agreement with local elected officials, MDOT, and the Governor's Office set four specific criteria to be met for design and construction of the project. Following this agreement, the MD 97 Brookeville Project was included in the FY 2003-2008 Maryland Consolidated Transportation Program for Project Planning. The four criteria and the actions taken to meet those criteria are as follows:

(1) Montgomery County must adopt restrictions that prevent the bypass from allowing sprawl development outside the current boundaries of the Town of Brookeville.
Action: An amendment to the Annual Growth Policy was adopted on April 6, 1999 by the Montgomery County Council.

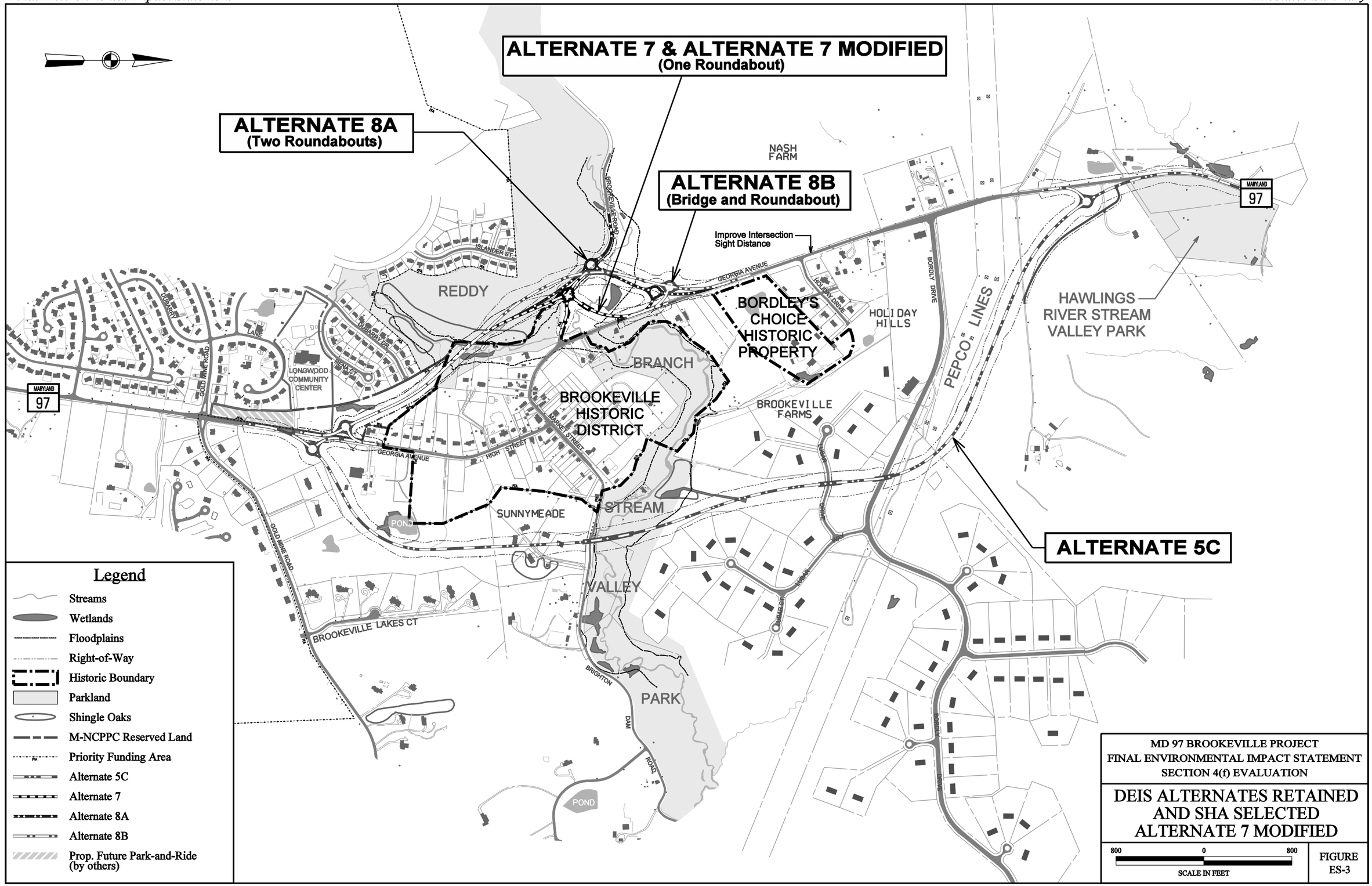
(2) A permanent easement must border the entire roadway to ensure that no future access, widening, or connection to the bypass is possible.
Action: The Maryland Environmental Trust (MET) has tentatively agreed to hold the easement pending the development of the Letter of Commitment and the Memorandum of Understanding (MOU). An exact amount and location of this easement will be prepared during the design phase of this project. Meets and Bounds Plats will be prepared and will be part of the MOU.

(3) MDOT and the Montgomery County and Howard County governments must work out a safe "traffic calming" point north of the bypass to limit future traffic to the current capacity of MD 97 through Brookeville.
Action: A roundabout is proposed north of Brookeville Road to limit traffic capacity through the area. This roundabout will also serve as a safe traffic calming point.

(4) If for any reason these controls fail, Montgomery County will reimburse the state for the full cost of the bypass.
Action: This serves to further ensure that rural areas and open space are preserved, the environment is healthy, and thriving communities enjoy their quality of life.

Relevant to the current undertaking, this agreement required that the previous alternates be re-evaluated to ensure conformance with these criteria. This re-evaluation resulted in the redesign of Alternate 5C (east of Brookeville), and the development of new alternates (Alternate 7, Alternate 8A, and Alternate 8B) west of Brookeville **(Figure ES-3)**. Two options (A–At-grade and B–Grade-separated) were under consideration for Alternate 8, which were developed to avoid and minimize environmental (i.e., floodplains, wetlands) versus community (i.e., pedestrian access) impacts. Each of the Build Alternates included the concept of a two-lane undivided limited-access roadway with shoulders.

An Informational Public Meeting was held in June 2000 to inform the public that the project had been re-initiated; to present the Smart Growth compliance criteria; to reintroduce the public to the alternates previously presented (Alternate 1, Alternate 3 Option B, and Alternate 4 Modified Option A); and to gather public input on new alternates being developed (Revised Alternate 5C, Alternate 7, Alternate 8A, and Alternate 8B). The No-Build Alternate (Alternate 1) was carried forward without changes. While it does not meet the identified project needs, the No-Build Alternate was used as a benchmark for comparison in the analysis of the Build Alternates.



MD 97 BROOKEVILLE PROJECT
FINAL ENVIRONMENTAL IMPACT STATEMENT
SECTION 4(f) EVALUATION

DEIS ALTERNATES RETAINED AND SHA SELECTED ALTERNATE 7 MODIFIED

800 0 800
SCALE IN FEET

FIGURE ES-3

Alternate 3 Option B and Alternate 4 Modified Option A were dropped as a result of preliminary planning and public comments generated from the June 2000 Alternate Public Workshop. These alternates were dropped because they generally serve similar functions as Alternate 7 and Alternate 8, but were longer, affected a greater number of properties, and were subsequently more expensive than Alternate 7 and Alternate 8.

The following alternates were recommended to be retained for further detailed study in the DEIS: Alternate 1 (No-Build) and the four Build Alternates (Alternate 5C, Alternate 7, Alternate 8A, and Alternate 8B). The Build Alternates all include roundabouts at the ends of the bypass to address the Smart Growth criteria for traffic calming, while staying consistent with the project Purpose and Need. As part of all Build Alternates, SHA investigated solutions to the MD 97/Holiday Drive sight distance problem in response to citizen concerns at the June 2000 Alternates Public Workshop. SHA agreed to modify the existing roadway profile for MD 97 just north of Holiday Drive to improve the intersection sight distance for vehicles exiting Holiday Drive. By slightly raising the grade of MD 97 through a short depressed curve, the motorist will have a longer sight distance and the approaching vehicles will not disappear from the line of sight. The SHA agreed that this improvement would be included with all of the Build Alternates, as well as the No-Build.

An Interagency Review (IAR) meeting was held in October 2000 to discuss the Alternates Retained for Detailed Study (Alternate 1 No-Build, Alternate 5C, Alternate 7, Alternate 8A, and Alternate 8B) with the environmental review agencies. Concurrence was received from the resource agencies and these alternates were presented in the August 2001 MD 97 Brookeville Project DEIS/Section 4(f) Evaluation.

A Combined Location/Design Public Hearing was held in October 2001 at the Rosa M. Parks Middle School. The purpose of this hearing was to present the results of the engineering and environmental studies completed for the MD 97 Brookeville Project and to provide an opportunity for interested individuals, association, citizens groups, or government agencies to offer verbal or written comments. Approximately 117 citizens attended and a total of 38 public comments were made (22 oral and 16 written comments). As a result of public and agency comments, Alternate 7 was initially identified as the SHA Preferred Alternate.

Subsequent to the Public Hearing, further studies were developed regarding the National Register eligible Newlin/Downs Mill Complex archeological site located within the historic district south of Brookeville Road. As a result of the Phase II archeological findings that recommended the site as National Register eligible, Alternate 7 Modified was developed to minimize impacts to the archeological site. The modified alignment was presented at the January 2002 IAR meeting. An agency field view occurred in September 2002.

A draft Selected Alternate and Conceptual Mitigation Package (SACM) was circulated for agency review and comment in February 2003 and the MD 97 Brookeville Project was presented at the March 2003 IAR Meeting. Agency comments focused on the status of the draft Memorandum of Agreement (MOA) in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and a request for consideration of wildlife passage along the north side of Reddy Branch as discussed previously. The final SACM package responded to these comments and was distributed at the May 2003 IAR meeting for formal agency concurrence and comment. As a result of this process, agency concurrence (without comment) of SHA's Selected Alternate and the conceptual mitigation proposed in the SACM Package was received from the FHWA, United States

Army Corps of Engineers (USACOE), United States Fish and Wildlife Service (USFWS), Maryland Department of the Environment (MDE), and the Metropolitan Washington Council of Government (MWCOG). Agency concurrence (with minor comments) was received from the United States Environmental Protection Agency (USEPA), the National Park Service, and the Maryland Department of Natural Resources (DNR). The USEPA and DNR expressed support of the reevaluation of the north-side wildlife passage; DNR offered continued coordination with SHA regarding mitigation designs. The National Park Service gave concurrence based on FHWA legal sufficiency. The Maryland Department of Planning (MDP) also concurred commenting that the SHA Selected Alternate 7 Modified best minimizes the potential of encouraging secondary sprawl-development while meeting the Purpose and Need of the MD 97 Brookeville Project. MDP also recommended that MDOT, SHA, and MDP discuss the steps necessary for submittal of this project to the State Board of Public Works. In response, coordination is ongoing between SHA and MET and will be resolved in Final Design. **Section VI** of this FEIS includes the IAR meeting minutes and signed agency concurrence forms resulting from completion of the SACM component of the Maryland Streamlined Environmental and Regulatory Process.

5. Description of SHA-Selected Alternate

SHA's Selected Alternate, Alternate 7 Modified, is similar to Alternate 7 except that Alternate 7 Modified is shifted approximately 30-40 feet in a westerly direction through the Reddy Branch Stream Valley Park to minimize impacts to the National Register eligible Newlin/Downs Mill Complex archeological site that is located within the Brookeville Historic District. A retaining wall would be placed on the south side of Brookeville Road, east of the roundabout to further minimize impacts to the Newlin/Downs Mill Complex. Alternate 7 Modified has a design speed of 40 miles per hour. Alternate 7 Modified has an open typical section, which consists of two 11 foot lanes and two ten foot shoulders (five feet paved for bicycle compatibility and five feet graded). Access is limited to two roundabouts (at Brookeville Road and the southern termini). Cost is estimated at $12.5 million.

This FEIS describes the impacts to the social and natural environments that would be expected to occur with any of the alternates discussed herein. All alternates are described in detail in **Section II** of this document. **Section III** identifies the affected environment and **Section IV** discusses impacts and associated mitigation. **Section V** is the Section 4(f) Evaluation addressing use of public parkland and historic properties. **Table ES-1** is a comparison of the impacts associated with the No-Build and the five FEIS Build Alternates.

6. Areas of Controversy

The 1990 Feasibility Study and the 1997 Detailed Alternates Analysis resulted in resource agency concerns regarding western off-line alternates and led to the development of two eastern off-line alternates. Public opinion however, is mainly in support of the western off-line alternates, which are consistent with local master plans. As a result, and based on public input and resource agency comments received to date, there is no apparent public opposition to SHA's Selected Alternate.

7. Unresolved Issues with Agencies

There are no unresolved issues with the resource agencies at this time because the unresolved issues of the DEIS and the agency comments on the SACM package have been addressed, as discussed previously in this section, and in **Sections II**, **III**, and **IV** of this document.

TABLE ES-1
ENVIRONMENTAL IMPACT SUMMARY

FEATURE	ALTERNATES EVALUATED IN THE FEIS					
	Alternate 1 No-Build	**Alternate 5C East Bypass [5]**	**Alternate 7 West Bypass**	**Alternate7 Modified West Bypass**	**Alternate 8A At-Grade West Bypass**	**Alternate 8B Grade Separated West Bypass**
		Open Section	**Open Section**	**Open Section**	**Open Section**	**Open Section**
Length (miles) [1]	0	2.12	0.72	0.72	0.95	0.95
Cost (millions-2001 dollars)	0	$ 34.2	$ 12.2	Approximately $12.5 (assuming retaining wall along Brookeville Road	$ 13.7	$ 18.0
Socio-Economic Resources						
Residential Relocations (no.)	0	5	0	0	0	0
Business Displacements (no.)	0	1	0	0	0	0
Affected Properties (no.)	0	26	11	11	14	14
Comprehensive Plan Compatibility	No	No	Yes	Yes	Yes	Yes
Recreational Facilities (acres)	0	4.55	6.65	5.62	7.22	7.64
Historic District (acres)	0	0	2.24 [3, 4]	1.66 [3, 4]	1.84 [3, 4]	2.00 [3, 4]
Section 106 Adverse Effects	Yes	Yes	Yes	Yes	Yes	Yes
Total Section 4(f) [6] (acres)	0	4.55 [2 parks]	6.65 [1 park]	5.62 [1 park]	7.22 [1 park]	7.64 [1 park]
Impacted Waste Sites (no.)	0	0	1	1	2	1
Air Quality (SIP Conformance)	0	Yes	Yes	Yes	Yes	Yes
Noise Receptors (no.) [2]	0	8	10	10	10	10
Natural Resources						
Prime Farmland Soils (acres)	0	25.88	4.84	4.53	5.50	5.34
Statewide Important Soils (acres)	0	5.63	1.79	1.63	7.50	8.51
Wetlands (acres)	0	0.21	0.13	0.12	0.11	0.17
Streams [7] (linear feet)	0	482.12	1169.2	1211.8	1067.32	1191.72
FEMA 100-year Floodplains (acres)	0	2.59	3.34	3.22	3.03	3.34
Forest Cover (acres)	0	11.50	10.47	9.02	13.53	14.2

NOTES:
1 Alignment length does not include frontage, access roads and exclude additional length for traffic roundabouts.
2 Noise levels 66 dBA or greater or those which increase 10 dBA or more over ambient levels.
3 Included within Reddy Branch Stream Valley Park Acreages.
4 One park property, two locations.
5 For this alternate, impacts do not include right-of-way needed for storm water management. All other alternates include right-of-way impacts for storm water management ponds.
6 Includes overlapping acreage of the Brookeville Historic District within impacted Public Parkland.
7 Based on re-evaluation, the impact numbers decreased from the Selected Alternate and Conceptual Mitigation Package.

8. Related Projects in the Project Area

The Montgomery County Department of Public Works, in cooperation with the Maryland-National Capital Park and Planning Commission (M-NCPPC), initiated a study of Bordly Drive from Georgia Avenue to connect with the Brookeville Farm development located east of Holiday Drive. The County extended the road a distance of approximately 1,800 feet to where the developer of the Brookeville Farms subdivision completed its portion of Bordly Drive. The typical roadway section includes a pavement width of 24 feet with 8-foot shoulder on each side, and a bike path on the south side. The connecting road was completed in Fall 2003.

9. Summary of Environmental Impacts

A more detailed discussion of environmental impacts and recommended mitigation measures where appropriate are also identified in **Section IV** of this FEIS.

Table ES-1 provides a comparison summary of environmental impacts associated with each of the proposed alternates considered within this FEIS.

Natural Environment

Less than one-quarter acre of wetlands would be impacted with SHA's Selected Alternate. SHA's Selected Alternate would cross two streams, Meadow Branch and Reddy Branch, with impacts of approximately 1,211.8 linear feet. These streams in the Hawlings River sub-watershed and the Patuxent River watershed are Use IV waters (Recreational Trout) and may require an in-stream work restriction from March 1 to May 31. SHA's Selected Alternate would impact approximately 3.2 acres of floodplain. The proposed MD 97 structure over Reddy Branch will be designed to accommodate wildlife passage along Reddy Branch by providing an eight-foot vertical and 25-foot horizontal clearance along one side of the stream as agreed to by the agencies. As a result of agency concurrence on the SACM package, SHA will evaluate the north side passage option during final design when topographic survey of the area is completed. Conceptual design of the Meadow Branch crossing consists of a box culvert in accordance with the Maryland Department of the Environment (MDE) design criteria. Design of the Reddy Branch bridge and Meadow Branch culvert will be coordinated with the federal and state resource agencies as part of the permitting requirements. Stream restoration and wetland mitigation sites within Reddy Branch Stream Valley Park have been coordinated with and approved by the agencies including written concurrence from M-NCPPC. Agency coordination letters are included in **Section V** and **Section VI** of this FEIS. These include agency comments on the May 2003 SACM package and M-NCPPC's May 1, 2003 letter approving locations of stream restoration and wetland mitigation within Reddy Branch Stream Valley Park.

Publicly Owned Parks and Recreation Areas

SHA's Selected Alternate would impact 5.6 acres of Reddy Branch Stream Valley Park, compared to 5.3 acres for Alternate 7. SHA met with M-NCPPC on May 5, 2003 to discuss mitigation within Reddy Branch Stream Valley Park. Mitigation for both the temporary and Section 4(f) permanent use of public parkland is addressed in **Section V** (Section 4(f) Evaluation) of this FEIS. The Section 4(f) Evaluation includes M-NCPPC's signed concurrence of parkland mitigation as presented in SHA correspondence dated November 25, 2003. **Section V** also includes M-NCPPC's concurrence letter dated May 1, 2003 approving temporary use of sites in Reddy Branch Stream Valley Park for stream restoration and wetland replacement.

Historic Resources

The Maryland Historical Trust (MHT) has determined that the Build Alternates retained for detailed study and the SHA Selected Alternate 7 Modified would have an adverse effect on the National Register of Historic Places listed Brookeville Historic District. Approximately 1.7 acres right-of-way (ROW) would be required from the historic district by SHA's Selected Alternate. The Section 106 MOA included in this document describes mitigative measures, including landscaping which will reduce the adverse effect of visual intrusion on the Brookeville Historic District. The FHWA has been notified that the Advisory Council on Historic Preservation (ACHP) does not believe that their participation to resolve adverse effects is needed. The MOA has been signed by MHT, SHA, and FHWA and will be filed pursuant to 36CFR800.6(b)(iv) **(Section VI)**.

Archeological Resources

The SHA Selected Alternate 7 Modified will have an adverse effect on the National Register eligible Newlin/Downs Mill Complex (Site 18MO368), which is significant both individually and as a contributing resource to the Brookeville Historic District. SHA's Selected Alternate was shifted to the west by 30-40 feet in order to minimize impacts to the site. Approximately 700 linear feet of the millrace system would be affected, but not the identified features and significant archeological deposits associated with the mill and miller's house. In the MOA, Phase III data recovery and placement of interpretive signs are stipulated as Section 106 mitigation, provided that the site cannot be avoided during the design phase of this project.

Socio-economic and Smart Growth

No displacements would occur with SHA's Selected Alternate. No land use changes are anticipated as the result of the project. The relocation of MD 97 is identified in the 1980 Olney Comprehensive Plan. SHA's Selected Alternate would be located outside of the county defined PFA. To address Smart Growth requirements and maximize the potential for unplanned development, the MET has tentatively agreed to hold the easement pending the development of the Letter of Commitment and the MOU. The MDP has commented that the SHA Selected Alternate 7 Modified best minimizes the potential of encouraging secondary sprawl development while meeting the Purpose and Need of the MD 97 Brookeville Project, and recommended that MDOT, SHA, and MDP discuss the steps necessary for the submittal of this project to the State Board of Public Works. In response, a Letter of Commitment has been submitted by SHA to MET for signature **(Section VI**, **Page B-78)**.

10. Federal or State Actions Required (Permits, Approvals, Etc.)

Section 404 of the Clean Water Act/Section 10 of the Rivers and Harbors Act

Federal permit authorization is administered by the USACOE pursuant to Section 404 of the Clean Water Act (Federal Water Pollution Control Act) (33 U.S.C. 1344) of 1972, as amended, and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). This permit process regulates the discharge of dredge and fill material or the placement of structures into waters of the United States, including jurisdictional wetlands.

Section 401 of the Clean Water Act: Water Quality Certification

Federal/State permit authorization is administered jointly by the USACOE and the MDE pursuant to Section 401 of the Clean Water Act (33 U.S. C. 1344) and the Annotated Code of Maryland (COMAR) 26.08.02.10. This permit authorization regulates the discharge of fill material into federal and state waterways in conjunction with Section 404 of the Clean Water Act.

National Environmental Policy Act (NEPA)

Federal approval authorization is administered by the FHWA pursuant to the NEPA of 1969 (42 U.S.C. 4321). This approval process provides a comprehensive review/oversight of activities affecting the natural environment with the objective of ensuring protection of its natural, cultural, and historical elements.

National Pollution Discharge Elimination System (NPDES)

Federal permit authorization is administered by the USEPA and the MDE pursuant to the Clean Water Act (33 U.S.C. 1344) of 1972 as amended, particularly in conjunction with Section 402 of the Water Quality Act of 1987. This permit process regulates the discharge of point-source pollutants into federal and/or state waterways.

Section 4(f) of the US Department of Transportation Act of 1966

Section 4(f) of the US Department of Transportation Act of 1966, 49 U.S.C. 303(c), states that the use of land from a significant publicly-owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site (as determined by the officials having jurisdiction over the resource) as part of a federally-funded or approved transportation project is permissible only if there are no feasible and prudent alternates to the use and that the proposed action includes all possible planning to minimize harm to the property. **Section V** of this FEIS is the Section 4(f) Evaluation prepared for the MD 97 Brookeville Project.

Section 106 of the National Historic Preservation Act

Federal and state coordination is undertaken by the FHWA, the SHA, and the MHT (State Historic Preservation Officer, SHPO), in consultation with the ACHP, pursuant to the National Historic Preservation Act of 1966, as amended. Activities within proximity of historical structures are evaluated in order to determine the effect of the undertaking and to protect and preserve significant historical and archeological resources. A Section 106 MOA has been fully executed and includes specific actions and measures designed to constitute adequate and acceptable mitigation of adverse effects of SHA's Selected Alternate. The signed MOA is included in **Section VI**.

Maryland State Non-tidal Wetland Permit Authorization

State permit authorization is administered by the MDE pursuant to the Nontidal Wetlands Protection Act, Environmental Article, Section 5-901. This permit process regulates impacts caused to non-tidal wetlands and/or their associated 25-foot buffers.

Maryland State Waterway Construction Permit Authorization

State permit authorization is administered by the MDE pursuant to the Waterway Construction Law, Environmental Article, Section 16-101. This permit process regulates construction activities within state waterways.

Maryland Reforestation Law

State approval authorization is administered by the DNR pursuant to the Maryland Reforestation Law, Natural Resources Article, Section 5-103, as amended. This approval process regulates forest disturbance resulting from roadway construction activities, in which roadway construction projects utilizing state funding must replace impacted forests on an acre-for-acre (1:1) basis.

ENVIRONMENTAL ASSESSMENT FORM

MD 97 Brookeville Project
From South of Gold Mine Road to North of Holiday Drive
Montgomery County, MD

The following Environmental Assessment Form is a requirement of the Maryland Environmental Policy Act and Maryland Department of Transportation Order 11.01.06.02. Its use is in keeping with the provisions of 1500.4(d) and 1506.2 and 06 of the Council of Environmental Quality Regulations, effective July 31, 1979, which recommend that duplication of federal, state, and local procedures be integrated into a single process.

The checklist identifies specific areas of the natural and social-economic environment, which have been considered while preparing this environmental assessment. The reviewer can refer to the appropriate section of the document, as indicated in the "Comment" column of the form, for a description of specific characteristics of the natural or social-economic environment within the proposed project area. It will also highlight any potential impacts, beneficial or adverse that the action may incur. The "No" column indicates that during the scoping and early coordination processes, that specific area of the environment was not identified to be within the project area or would not be impacted by the proposed action.

		YES	NO	COMMENTS
A.	**Land Use Considerations**			
1.	Will the action be within the 100-year floodplain?	X		See III-H, IV-H
2.	Will the action require a permit for construction or alteration within the 50-year floodplain?		X	
3.	Will the action require a permit for dredging, filling, draining or alteration of a wetland?	X		See III-I, IV-I
4.	Will the action require a permit for the construction or operation of facilities for solid waste disposal including dredge and excavation spoil?		X	
5.	Will the action occur on slopes exceeding 15%?	X		See III-C, IV-C
6.	Will the action require a grading plan or a sediment control permit?	X		See III-C, IV-C
7.	Will the action require a mining permit for deep or surface mining?		X	
8.	Will the action require a permit for drilling a gas or oil well?		X	
9.	Will the action require a permit for airport construction?		X	
10.	Will the action require a permit for the crossing of the Potomac River by conduits, cables or other like devices?		X	

ENVIRONMENTAL ASSESSMENT FORM *(Continued)*
MD 97 Brookeville Project
From South of Gold Mine Road to North of Holiday Drive
Montgomery County, MD

		YES	NO	COMMENTS
11.	Will the action affect the use of a public recreation area, park, forest, wildlife management area, scenic river or wildland?	X		See III-A, IV-A
12.	Will the action affect the use of any natural or manmade features that are unique to the county, state, or nation?		X	
13.	Will the action affect the use of an archeological or historic site or structure?	X		See III-B, IV-B
B.	**Water Use Considerations**			
14.	Will the action require a permit for the change of the course, current, or cross-section of a stream or other body of water?	X		See III-G, IV-G
15.	Will the action require the construction, alteration, or removal of a dam, reservoir, or waterway obstruction?		X	
16.	Will the action change the overland flow of stormwater or reduce the absorption capacity of the ground?	X		See III-G, IV-G
17.	Will the action require a permit for the drilling of a water well?		X	
18.	Will the action require a permit for water appropriation?		X	
19.	Will the action require a permit for the construction and operation of facilities for treatment or distribution of water?		X	
20.	Will the project require a permit for the construction and operation of facilities for sewage treatment and/or land disposal of liquid waste derivatives?		X	
21.	Will the action result in any discharge into surface or sub-surface water?	X		See III-G, IV-G
22.	If so, will the discharge affect ambient water quality parameters and/or require a discharge permit?	X		See III-G, IV-G

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		YES	NO	COMMENTS
C.	**Air Use Considerations**			
23.	Will the action result in any discharge into the air?	X		See III-K, IV-K
24.	If so, will the discharge affect ambient air quality parameters or produce a disagreeable odor?		X	
25.	Will the action generate additional noise which differs in character or level from present conditions?	X		See III-L, IV-L
26.	Will the action preclude future use of related air space?		X	
27.	Will the action generate any radiological electrical, magnetic, or light influences?		X	
D.	**Plants and Animals**			
28.	Will the action cause the disturbance, reduction or loss of any rare, unique or valuable plant or animal?	X		See III-J, IV-J
29.	Will the action result in the significant reduction or loss of any fish or wildlife habitats?	X		See III-J, IV-J
30.	Will the action require a permit for the use of pesticides, herbicides or other biological, chemical or radiological control agents?		X	
E.	**Socio-economic**			
31.	Will the action result in a pre-emption or division of properties or impair their economic use?	X		See III-A, IV-A
32.	Will the action cause relocation of activities, structures, or result in a change in the population density or distribution?	X		See III-A, IV-A
33.	Will the action alter land values?	X		See III-A, IV-A
34.	Will the action affect traffic flow and volume?	X		See I-B
35.	Will the action affect the production, extraction, harvest or potential use of a scarce or economically important resource?		X	

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		YES	NO	COMMENTS
36.	Will the action require a license to construct a sawmill or other plant for the manufacture of forest products?		X	
37.	Is the action in accord with federal, state, regional and local comprehensive or functional plans, including zoning?	X		
38.	Will the action affect the employment opportunities for persons in the area?		X	
39.	Will the action affect the ability of the area to attract new sources of tax revenue?	X		See III-A, IV-A
40.	Will the action discourage present sources of tax revenue from remaining in the area, or affirmatively encourage them to relocate elsewhere?		X	
41.	Will the action affect the ability of the area to attract tourism?		X	
F.	**Other Considerations**			
42.	Could the action endanger the public health, safety or welfare?		X	
43.	Could the action be eliminated without deleterious effects to the public health, safety or welfare?		X	See I-B
44.	Will the action be of statewide significance?		X	
45.	Are there any other plans or actions (federal, state, county or private) that in conjunction with the subject action could result in a cumulative or synergistic impact on the public health, safety, welfare or environment?		X	
46.	Will the action require additional power generation or transmission capacity?		X	
47.	This agency will develop a complete environmental effects report on the proposed action.			